United Nations S/2002/690

Security Council

Distr.: General
20 June 2002

Original: English

Letter dated 19 June 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 15 April 2002 (S/2002/388).

The Counter-Terrorism Committee has received the attached supplementary report from Singapore, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the text of the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

02-44733 (E) 090702

Annex

Letter dated 17 June 2002 from the Permanent Representative of Singapore to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to Security Council document S/2002/388 dated 15 April 2002 and pursuant to Council resolution 1373 (2001), I have the honour to forward the supplementary report (see enclosure) of the Republic of Singapore to the Counter-Terrorism Committee, together with the annexes referred to in the said report.

I would be grateful if the text of the present letter and the enclosed report (without annexes) could be circulated as a document of the Security Council. The enclosed annexes are included only for the Committee's records. Soft copies of all the attached documents will be forwarded to the Secretary of the Committee by e-mail.

(*Signed*) Kishore **Mahbubani**
Ambassador Extraordinary and Plenipotentiary

Enclosure

SINGAPORE'S RESPONSE TO THE QUESTIONS CONTAINED IN THE LETTER FROM THE CHAIRMAN OF THE CTC DATED 27 MARCH 2002

Introduction

1 In addition to responding to the specific questions posed by the CTC, the Singapore Government would like to update the CTC on recent actions that the Government has taken to combat terrorism. Between 9 and 24 December 2001, the Singapore Government invoked the provisions of the Internal Security Act and arrested thirteen members of a cell belonging to a clandestine group known as the Jemaah Islamiyah, which has been found to be part of a larger network of terrorists with cells in the region[1]. (The Internal Security Act is attached at Annex A.)*

2 The thirteen persons had participated in illegal military training, were involved with terrorist elements in other countries, and had carried out activities to facilitate terrorist attacks against selected targets in Singapore. All thirteen persons have been detained under the Internal Security Act. The Advisory Board sat between 25 and 28 February 2002 and heard detainees' representations as well as interviewed officers of the Internal Security Department. The Board held further meetings in March to deliberate on the representations made and evidence tendered. The Board completed its report and submitted it to the President on 2 April 2002. The President formally noted the Board's findings and recommendation to uphold the Orders of Detention on 30 April 2002. The arrest of the thirteen terrorists is a demonstration of the Singapore Government's commitment to take firm action against terrorists and supporters of terrorism. Singapore is confident that with the arrest of the thirteen persons, we have managed to cripple the cell's plans to mount terrorist attacks against selected targets in Singapore.

---

* The annexes are on file with the Secretariat and are available for consultations.

[1] The character of terrorist activities, in particular the planning and preparation of terrorist acts, makes disclosure of intelligence collected as evidence in an open court trial a threat to the sources of information. Disclosure of evidence in an open court trial would also compromise covert methods of investigation. Although the Internal Security Act provides for detention without trial, the invocation of such power is strictly governed by law. When a person is arrested under the Internal Security Act, the law enforcement agency is allowed to detain the person for only 30 days from the date of arrest, to conduct investigation and to verify the person's involvement in the activities for which he was placed under arrest. If the person concerned is found to be not involved in the alleged activities, he will, of course, be released unconditionally. In practice, if the person concerned is found to be only marginally involved in the alleged activities, the person will also be released. Only if the person is found to be deeply involved and that preventive detention is deemed necessary will a Detention Order, for detention not exceeding two years, be issued.

When a Detention Order is issued, the Internal Security Act stipulates that within three months from the issue of the Order of Detention, the Internal Security Act Advisory Board shall consider representations made by persons to whom the Detention Order has been served upon. The Advisory Board is chaired by a sitting Supreme Court Judge, with two prominent citizens as members. The Board submits its findings on the representations and makes its recommendation to the President. Upon considering the recommendations of the Advisory Board, the President may direct the Minister for Home Affairs on the detention or release of the persons detained. No person can be detained under the Internal Security Act without the concurrence of the President.

- **Sub-paragraph 1 (a):**

The CTC notes that Singapore has enacted a new law (the United Nations Act) to comply with the requirements of the Resolution. Could Singapore please explain whether the regulations made under that law permit the freezing of accounts held in Singaporean financial institutions, including off-shore banking facilities, by non-residents and entities not located in Singapore, who are supporting terrorist acts outside Singapore.

Singapore's response

3 The United Nations Act (and any regulations made thereunder) do not apply to financial institutions, which are subject to the directions of the Monetary Authority of Singapore (MAS) under section 27A of the MAS Act (section 2(2) of the United Nations Act)[2]. The directions are binding on the financial institutions concerned notwithstanding any other duty imposed on the financial institutions by any rule of law, written law or contract. The directions issued by the MAS to implement Resolution 1373 (contained in Circular FSG 48/2001, which was attached to Singapore's first report to the CTC) require financial institutions in Singapore to freeze, among other things, accounts of non-residents and entities, not located in Singapore, who are supporting terrorist acts outside Singapore.

- **Sub-paragraph 1 (c):**

It is noted that the United Nations (Anti-Terrorism) Regulations and the Monetary Authority of Singapore Circular FSG 48/2001 define 'terrorist', 'prohibited person' and 'designated person'. Please explain whether these definitions cover all persons or entities which may be proceeded against for acts criminalised under the Resolution.

Singapore's response

4 The definitions of "terrorist" and "prohibited person" in the United Nations (Anti-Terrorism Measures) Regulations and the definition of "designated person" in the Circular FSG 48/2001 were drafted in conformity with the provisions of Resolution 1373 (2001) and would therefore cover persons or entities being proceeded against for acts criminalised under the Resolution.

- **Sub-paragraph 1 (c):**

If so, are there procedures under those Regulations and the circular for countries to make requests for the freezing of funds, assets and other economic resources, or would such action be taken under the general powers vested in the Monetary Authority of Singapore pursuant to Section 27A of the Monetary Authority of Singapore Act?

Singapore's response

5 Directions issued by the MAS to financial institutions to freeze accounts and assets would cover persons and entities that are listed, pursuant to Resolutions 1267 (1999), 1333 (2000) and 1390 (2002), by the Sanctions Committee established under

[2] Both Acts were attached to Singapore's first report to the CTC.

Resolution 1267 (1999). If a country has information about terrorists or terrorist assets in Singapore, it can forward the information to the Singapore authorities for investigation. Singapore will deal firmly with any person involved in the financing or support of terrorism, including the freezing of assets and any other necessary action under the relevant laws.

- **Sub-paragraph 1 (d):**

  The UN Act 2001 empowers the Minister to make regulations, violation of which is an offence under Section 5 of the Act. Is it possible for any country having a case against a person living in Singapore because of an act criminalised under the Resolution to request the relevant authority to invoke these provisions?

  Singapore's response

  6 Any person living in Singapore will be covered by the provisions of the United Nations Act and the United Nations (Anti-Terrorism Measures) Regulations 2001. Any person present in Singapore who is financing terrorist activities outside Singapore would be guilty of an offence under the United Nations (Anti-Terrorism Measures) Regulations. If a country has evidence against any person living in Singapore, it can forward the evidence to the Singapore authorities for investigation of the matter.

- **Sub-paragraph 1 (d):**

  Does Singapore have any provisions for regulating alternative money transfer agencies?

  Singapore's response

  7 All Remittance Agents in Singapore need to be licensed by the MAS. Operation of a remittance business without a licence is an offence. Licensees are regulated under the Money-changing and Remittance Businesses Act (Chapter 187)[3].

- **Sub-paragraph 2 (a):**

  Could Singapore please outline the legislative or other provisions which give effect to this sub-paragraph.

  8 The legislative provisions giving effect to this paragraph have been described in paragraphs 19 to 21 of Singapore's first report to the CTC. In addition, the United Nations (Anti-Terrorism Measures) Regulations were amended (with effect from 12 March 2002) by the insertion of three new provisions. These provisions were inserted to implement Resolution 1390 (2002). Regulation 7A provides that no

[3] Section 6 of the Act provides that no person shall carry on or advertise that he carries on remittance business unless he is in possession of a valid remittance licence. Any person who contravenes the above shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $50,000 or to imprisonment for a term not exceeding two years or to both and, in the case of a continuing offence, to a fine not exceeding $1,000 for every day during which the offence continues after conviction.

person in Singapore and no citizen of Singapore outside Singapore shall, directly or indirectly, export, sell, supply or ship any arms and related material, wherever situated, to any terrorist. Regulation 7B provides that no owner or master of a Singapore ship and no operator of an aircraft registered in Singapore shall directly or indirectly carry or cause or permit to be carried any arms and related material wherever situated, for any terrorist. Regulation 7C provides that no person in Singapore and no citizen of Singapore outside Singapore shall, directly or indirectly, provide any terrorist with technical advice, assistance or training related to military activities. The United Nations (Anti-Terrorism Measures) (Amendment) Regulations 2002 are attached at Annex B.

- **Sub-paragraph 2 (a):**

  Please describe how Singapore proposes to prevent recruitment to terrorist groups.

  Singapore's response

  9 This issue has been addressed in paragraph 19 of Singapore's first report to the CTC. Section 8 of the Internal Security Act provides that if the President is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Singapore or any part thereof or to the maintenance of public order or essential services therein, it is necessary to do so, the Minister for Home Affairs shall make an order directing that such person be detained for any period not exceeding two years. The Internal Security Act provides for detention without trial of persons whose activities threaten the internal security of Singapore, and this measure is used in circumstances where it is not practical to deal with threats posed by terrorists under the normal parameters of criminal law.

  10 Singapore believes that swift and decisive steps must be taken to prevent persons from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including recruitment to terrorist groups. The arrest and detention of thirteen terrorists in Singapore in December 2001, which was mentioned earlier in this report, is testimony to the Singapore Government's commitment to prevent terrorist activities and recruitment to terrorist groups.

- **Sub-paragraph 2 (a):**

  Is there a system in Singapore to monitor the goods in transit through the Singapore port?

  Singapore's response

  11 Our container terminal operations are fully computerised. Terminal operators capture details on all containers handled in the terminals. Based on risk management assessment and intelligence, containers are selected for physical inspections. As part of Singapore's commitment to the non-proliferation of Weapons of Mass Destruction, Singapore is also putting in place an enhanced export control regime that would control strategic goods that pass through our terminals.

  12 On 4 June 2002, Singapore also announced that it had agreed to be a pilot port under the US-led Container Security Initiative (CSI). Singapore will be the first

pilot port in Asia to come under the CSI. The initiative aims to prevent the use of our port as a conduit for illegal transhipments of weapons of mass destruction and reinforces the measures undertaken by the Singapore Government to boost security at all our passenger and cargo entry points. Since the September 11 attacks, Singapore has enforced more stringent security checks at all passenger and cargo entry points. Singapore is also looking into acquiring X-ray machines to expedite security screening of containers.

- **Sub-paragraph 2 (b):**

  It is noted that Singapore is prepared to share information as required under this sub-paragraph. Is there an institutional mechanism, such as a law or other bilateral/multilateral arrangements, for exchange of information?

  Singapore's response

  13 Like many other countries, Singapore has no formal institutional mechanism for the exchange of intelligence. However, Singapore is prepared to and has shared information with other countries through intelligence and law enforcement agencies. Singapore is also an active member of Interpol where information on terrorists is exchanged among member countries.

  14 Within the ASEAN context, the ASEANAPOL Database system is another mechanism for information exchange on terrorists. For example, arising from information that the Singapore Government provided, law enforcement agencies in the Philippines recently arrested Fathur Rohman Al Ghozi, a trainer and bomb-maker, in the Moro Islamic Liberation Front. This is an example of the cooperation between law enforcement agencies in Singapore and their counterparts in other countries.

  15 At the Special ASEAN Ministerial Meeting on Terrorism in May 2002, Singapore also proposed that ASEAN countries consider setting up a special unit within each of their countries as a focal point to coordinate counter terrorism efforts within their own countries and with their ASEAN counterparts. Our proposal has been accepted by the other ASEAN countries. Within Singapore, we have formed the Joint Counter-Terrorism Centre for this purpose. Singapore's Joint Counter-Terrorism Centre can work with the counter-terrorism units of other ASEAN countries to exchange information pertaining to terrorism.

  16 At the Asia-Europe Foreign Ministers' Meeting in June 2002, Singapore's Minister for Foreign Affairs proposed the establishment of linkages between EUROPOL, ASEANAPOL and the law enforcement agencies of China, Japan and the Republic of Korea to facilitate intelligence sharing and cooperation, with particular emphasis on tackling terrorism and international organized crime. Singapore also proposed enhancing intelligence and information exchange between the anti-terrorism coordination units in the member countries of the Asia-Europe Meeting. Both proposals have received broad support from Asian and European countries.

- **Sub-paragraph 2 (c):**

Are there any legal provisions to deny safe haven to terrorists in Singapore?

Singapore's response

17 Singapore has various legal provisions to deny safe haven to terrorists in Singapore. These have already been outlined in detail in paragraph 23 of Singapore's first report to the CTC. In addition, we have provided information in this report concerning the Internal Security Act, which provides for the detention without trial of persons whose activities threaten the internal security of Singapore. There are therefore sufficient safeguards to deny safe haven to terrorists in Singapore.

- **Sub-paragraph 2 (e)**

Does Singapore intend to introduce specific offences criminalising terrorist activities covered by this sub-paragraph?

Singapore's response

18 There are no plans, at present, to enact a specific offence of "terrorism". However, as stated in Singapore's earlier report to the CTC, the planning, preparation or perpetration of terrorist acts would involve offences such as murder, causing hurt, hijacking, kidnapping etc, all of which are offences under Singapore law. The financing of terrorist acts is an offence covered by the United Nations (Anti-Terrorism Measures) Regulations.

- **Sub-paragraph 2 (f):**

Please list the bilateral treaties for mutual assistance to which Singapore is party.

Singapore's response

19 Singapore has a mutual legal assistance treaty with the United States of America, in relation to drug trafficking.

20 On 23 May 2002, the Terrorism (Suppression of Financing) Bill was tabled in Parliament. The purpose of the Bill is to give effect to the International Convention for the Suppression of the Financing of Terrorism. Clause 32 of the Bill provides that where there is no treaty, memorandum of understanding or agreement in force between Singapore and a country which is a party to the Convention, relating to the provision of assistance concerning any terrorism financing offence, an order under section 17 of the Mutual Assistance in Criminal Matters Act ("MACMA") may be made declaring that country as a prescribed foreign country; and applying that Act as if there were a treaty, memorandum of understanding or other agreement under which that country has agreed to provide assistance in criminal matters to Singapore. The Bill will be read in Parliament and brought to a vote in the second half of 2002. Once the Bill is enacted, Singapore will be in a position to provide mutual legal assistance to States Parties to the Convention, with respect to Convention offences (subject to the terms and conditions of MACMA), even in the absence of a bilateral mutual legal assistance treaty between the requesting State Party and Singapore.

- **Sub-paragraph 2 (g):**

Could Singapore please provide the CTC with information on the mechanism for inter-agency co-operation between the authorities responsible for narcotics control, financial tracking and security with particular regard to the border controls preventing the movement of terrorists.

Singapore's response

21 The enforcement functions mentioned in the question above are all carried out by the Ministry of Home Affairs. There is therefore no problem with inter-agency coordination. The Ministry of Home Affairs is responsible for internal security, criminal investigation, crime prevention and enforcement, commercial crime investigation and enforcement, custody and rehabilitation of offenders, narcotics control, border control and immigration in Singapore. Under the purview of the Ministry of Home Affairs, the Central Narcotics Bureau (CNB) is the main agency responsible for narcotics control; the Commercial Affairs Department (CAD) of the Singapore Police Force is the main enforcement agency for the investigation against financial crimes; and the Singapore Police Force (SPF) and Singapore Immigration and Registration (SIR) are responsible for security, with regard to border control. In 1997, the Ministry of Home Affairs launched the Home Team concept to further enhance the already close collaboration and cooperation between the seven departments under its charge. The Home Team is not just a concept but has been put into practice thereby enabling a unified and comprehensive approach in fighting crime, including drug control, immigration offences, the illegal use of fraudulent travel documents and money-laundering, and ensuring border security.

- **Sub-paragraph 3 (d):**

What are the intentions of Singapore with regard to ratification of the relevant international conventions and protocols relating to terrorism it has not yet ratified? Please indicate where possible a proposed timetable for future ratifications.

Singapore's response

22 Singapore has signed the International Convention for the Suppression of the Financing of Terrorism and intends to ratify it in the second half of 2002.

23 Singapore is currently preparing legislation which would allow us to accede to the following two conventions:

- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation
- Convention on the Marking of Plastic Explosives for the Purpose of Identification

24 Singapore is considering the ratification of the remaining United Nations Conventions on Terrorism that we have not yet ratified or acceded to. Singapore does not have a specific timetable for future ratifications.

- **Sub-paragraph 3 (e):**

How has Singapore implemented the four conventions to which it is a party, apart from the two acts mentioned in the report?

Singapore's response

25 The Tokyo Convention Act and the Hijacking of Aircraft and Protection of Aircraft and International Airports Act fully implement the four Conventions. Violations of the Conventions would result in offences under these two Acts. Copies of the two Acts are at Annexes C and D.

- **Sub-paragraph 3 (e):**

Please explain whether the crimes included in the ratified conventions are extraditable offences.

Singapore's response

26 The crimes covered by the ratified Conventions are extraditable offences under the Extradition Act.

- **Sub-paragraph 3 (g):**

Please outline the provisions of the Extradition Act which give effect to this sub-paragraph.

Singapore's response

27 The relevant provisions of the Extradition Act have already been described in paragraphs 46 and 47 of Singapore's first report to the CTC. We have nothing to add to those paragraphs.

- **Paragraph 4:**

The CTC would be grateful to know if Singapore has addressed any of the concerns expressed in paragraph 4 of the Resolution.

Singapore's response

28 Singapore has addressed the concerns in paragraph 4 of the resolution. Singapore is aware of the close connection between international terrorism and transnational organized crime, and has taken steps to address these problems. As noted in our earlier report to the CTC, Singapore believes that there should be coherent and coordinated international action against terrorism. As such, Singapore is enhancing its coordination efforts at the national, sub-regional and international levels to counter these threats to international security. At the international level, we are stepping up bilateral cooperation with other countries in the area of information exchange on terrorism and transnational crime. At the sub-regional level, we are strengthening cooperation among law enforcement agencies among ASEAN countries. Singapore also participates in the biennial ASEAN Ministerial Meeting on Transnational Crime, which sets the direction for regional cooperation to combat transnational crime. At the national level, we have also enhanced our efforts

in this area. This includes, for example, our establishment of the Joint Counter-Terrorism Centre, which we mentioned earlier in this report.

- **Other matters:**

Could Singapore please provide an organisational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

Singapore's response

29 An organisational chart of the administrative machinery that contributes to compliance with Resolution 1373 is attached at Annex E.